

## REMARKS

This is intended as a full and complete response to the Office Action dated May 14, 2008, having a shortened statutory period for response set to expire on August 14, 2008. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-3, 5-11, 17-19 and 44 are pending in the application. Claims 1-3, 5-8, 10-11, 17-19 and 44-45 remain pending following entry of this response. Claims 1 and 10 have been amended. Claim 9 has been cancelled. New claim 45 has been added. Applicants submit that the amendments and new claim do not introduce new matter.

Further, Applicants are not conceding in this application that those amended (or canceled) claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended or canceled claims) and other claims in one or more continuations and/or divisional patent applications.

### Interview Summary

On June 3, 2008, a telephonic interview was held between Gero G. McClellan, attorney of record, and Examiner Lee. The parties discussed the cited reference, *Clark*. Claim 1 was discussed. The parties also discussed proposed amendments to claim 1. The proposed amendments are reflected in this response.

During the interview, Applicants argued that *Clark* did not make claim 1 obvious. In particular, Applicants pointed out that the portion of *Clark* relied upon by the Examiner refers to traversing the hierarchy of the multilevel tool tip of *Clark* using keystrokes. However, this in no way teaches or suggests any kind of interaction with the tool tip element itself in order to invoke some associated operation. In particular, by providing user selectable indications within the hover element itself, as claimed, the user can branch from the default progression from the first text element to the second text element. The Examiner agreed that no such branching is taught or suggested, but stated that an amendment would be required to support this distinction. Applicants

submit that the proposed amendments contained in this response reflect the patentable distinction discussed during the interview.

Applicant also discussed the rejection under 35 U.S.C. § 112. It was agree that Applicants need not respond to the rejection as some claims being rejected include claims that are not pending (e.g., claims 24-26, 28-34 and 38-43); further, no specific reason for the rejection is given.

Claim Rejections - 35 U.S.C. § 112

Claims 1-3, 5-11, 17-19, 24-26, 28-34 and 38-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is believed that this rejection is a mistake as the claims being rejected include claims that are not pending (e.g., claims 24-26, 28-34 and 38-43). Further, no specific reason for the rejection is given.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5-11, 17-19 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Clark et al.* (U.S. Patent No. 5,995,101, hereinafter “*Clark*”).

The Examiner bears the initial burden of establishing a prima facie case of obviousness. See MPEP § 2141. Establishing a prima facie case of obviousness begins with first resolving the factual inquiries of *Graham v. John Deere Co.* 383 U.S. 1 (1966). The factual inquiries are as follows:

- (A) determining the scope and content of the prior art;
- (B) ascertaining the differences between the claimed invention and the prior art;
- (C) resolving the level of ordinary skill in the art; and
- (D) considering any objective indicia of nonobviousness.

Once the Graham factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art.

The Examiner states that claim 1 would have been obvious because *Clark* teaches “user option controls such as [sic] dialog menu”. Office Action, page 4, citing to column 2, lines 53-55. However, cited portion of *Clark* refers to traversing the hierarchy of the multilevel tool tip of *Clark* using keystrokes. However, this in no way teaches or suggests any kind of interaction with the tool tip element itself in order to invoke some associated operation. In particular, by providing user selectable indications within the hover element itself, as claimed, the user can branch from the default progression from the first text element to the second text element. On this basis alone, Applicants believe the rejection should be withdrawn.

However, in an effort to move prosecution forward Applicants have made additional amendments. Applicants submit that *Clark* does not teach or suggest claim 1 as amended.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

/Gero G. McClellan, Reg. No. 44,227/

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